

**CITY OF BROKEN ARROW  
PLANNING COMMISSION MEETING  
MINUTES  
September 25, 2003**

The Planning Commission Agenda for this meeting was posted on September 19, 2003, at 10:30 a.m. on the City Hall Bulletin Board, 220 S. First Street.

1. The Broken Arrow Planning Commission met on Thursday, September 25, 2003, at 5:04 p.m.

2. Present: Robert Goranson, Chairman  
Renate Caldwell, Vice Chairperson  
Mike Lester, Commission Member (left at 7:30 p.m.)  
Johnnie Parks, Commission Member  
Ricky Jones, Commission Member

Absent None

Staff Present: Brent Murphy, Assistant City Planner  
Karl Fritschen, Staff Planner  
Joyce Snider, Admin Ass't  
April Parnell Ass't City Attorney (left at 6:05 p.m.)  
Joseph Watt, Engineering Dept  
Don Slone

3. The Commission considered the minutes of the regular Planning Commission meeting held September 11, 2003. **Motion** by Mike Lester to approve the September 11, 2003, minutes as presented. The motion was seconded by Renate Caldwell.

Yes: Jones, Parks, Lester, Caldwell, Goranson

No: None

**Motion Approved**

4. The Commission considered the Consent Agenda. Brent Murphy reviewed each item on the Consent Agenda.

**Motion** by Mike Lester to approve the Consent Agenda, as recommended by Staff, excluding Item No. 4A. The motion was seconded by Johnnie Parks.

Yes: Jones, Parks, Lester, Caldwell, Goranson

No: None

**Motion approved**

4A. PT03-121, DN03-173, Water Tower Park preliminary plat, 13.4 acres, 2 lots, PUD 131A, west of the southwest corner of New Orleans and Elm Place, Tanner Consulting, LLC, (Engineer). This item was removed from the consent agenda.

4B. PT02-121, DN02-186, Greenbrier Addition conditional final plat, 28.2 acres, 103 lots, R-3, Battle Creek PUD 94, on Aspen Ave, one-quarter mile south of Dearborn (E. 41<sup>st</sup>) Street, Kellogg Engineering, Inc. (Engineer). The applicant was present. This item was approved as recommended by Staff.

- 4C. PT02-122, DN02-187, Belle Trace Addition conditional final plat, 17.8 acres, 54 lots, R-3, Battle Creek PUD 94, on Aspen Avenue one-third mile south of Dearborn (E. 41<sup>st</sup>) Street, Kellogg Engineering, Inc. (Engineer). The applicant was present. This item was approved as recommended by Staff.
- 4D. PT03-110, DN03-140, Arlington Court conditional final plat, 8.82 acres, 54 lots R-4, BAZ 1579, PUD 134, Between 67<sup>th</sup> Street and 68<sup>th</sup> Street on the east side of Olive Avenue (129<sup>th</sup> E. Avenue), Hall, Rosenbaum & Associates, Inc. (Engineer). The applicant was present. This item was approved as recommended by Staff.
- 4E. CA03-104, DN03-159, Kentucky Fried Chicken on Kenosha, 0.73 acres, ST03-130, Approximately ¼ mile east of 9<sup>th</sup> Street (Lynn Lane/177<sup>th</sup> E. Avenue) on the south side of Kenosha Street, part of Lot 1, Block 1, Arrow Village Shopping, Allen Mitchell (Applicant). The applicant was not present. This item was approved as recommended by Staff.
- 4F. ST03-133, DN03-158, Oklahoma Central Credit Union landscape plan, 2.12 acres, Approximately 300 feet south of Washington Street on the east side of Aspen Avenue, Tulsa Engineering & Planning Associates, Inc. (Applicant). The applicant was present. This item was approved as recommended by Staff.
- 4G. BAL 844, DN03-175, A-1, 101 West Boston Street, Lot 1, Block 3A, Arrow Acres Extended Addition, Brady and Elizabeth Foster (Applicants). The applicant was present. This item was approved as recommended by Staff.

5. **ITEMS REMOVED FROM CONSENT AGENDA**

- 4A. The Commission considered PT03-121, DN03-173, Water Tower Park preliminary plat, 13.4 acres, 2 lots, PUD 131A, west of the southwest corner of New Orleans and Elm Place, Tanner Consulting, LLC, (Engineer). This item was removed from the consent agenda due to a conflict of interest by Commission member Jones, who left the podium.

**Motion** by Mike Lester to approve PT03-121, Water Tower Park preliminary plat as recommended by Staff. The motion was seconded by Renate Caldwell.

Yes: Parks, Lester, Caldwell, Goranson

No: None

**Motion approved.**

6. The Commission considered BACP 48, amendment of the Comprehensive Plan from Level 2 to Level 4, 12,250 square feet, southeast corner of Commercial Street and Birch Street, Brad and Candy Campbell, (Applicants/Owners). Brent Murphy presented the background, saying there is a single-family residence on this property. He said the owner wishes to use the shop located in the rear of the property for commercial uses and use the residence as an office, a bed and breakfast establishment or a tea house. He said all the property on the west side of Ash Avenue, between Commercial Street and the railroad tracks is zoned R-3, single-family residential, which also abut all of the boundaries of this property. He said Commercial Street dead ends at the railroad track. He said this request is not in accordance with the policies of the Comprehensive Plan and Staff recommends the request be denied.

6. continued

Brad Campbell, 1206 Sherwood Lane, Broken Arrow, described the uses in the area around his property and said he is trying to sell this property and he would like to rezone it to allow commercial uses. He said this is a 1903 historical home which has been remodeled, with ample room for parking.

Bob Goranson asked about the zoning in this area and Brent Murphy said it is all R-3, described the single-family uses in the area and said the Comprehensive Plan identifies this area as Level 2. Discussion followed regarding the character of this single-family residential neighborhood and opening it to commercial uses. The possibility of applying for a specific use permit was discussed and Brent Murphy pointed out this would only apply to specific use permits allowed in the R-3 District, such as a bed and breakfast facility. There were no protestants present.

**Motion** by Ricky Jones to deny BACP 48 as recommended by Staff. The motion was seconded by Mike Lester.

Yes: Jones, Parks, Lester, Caldwell, Goranson

No: None

**Motion approved**

Bob Goranson informed Mr. Campbell that he can appeal the decision of the Planning Commission to the City Council by filing in writing within 15 days of this meeting.

7. The Commission considered BACP 49, 5.16 acres, (PUD 110, Broken Arrow Golf & Athletic Club) A-1 (R-1 approved via BAZ 1340/PUD 110) one-quarter mile south of Omaha (51<sup>st</sup>) Street on the east side of 9<sup>th</sup> Street (Lynn Lane), Tulsa Engineering & Planning Associates, Inc. (Applicant). Brent Murphy presented the background, saying the proposed use for this property is town homes which requires Level 3 designation. He said the property is undeveloped and that the City Council, in 1998, approved BAZ 1340 and PUD 110, subject to the property being platted. All the property has been platted except for this 5.16 acres. He said lighted tennis courts and football fields are proposed adjacent to this property in Nienhuis Park. He said Staff recommends this request be approved, subject to the property being platted.

Jerry Ledford, Jr., Tulsa Engineering & Planning, 8209 East 63<sup>rd</sup> Place, Tulsa, said they think a residential town home project will make an excellent transition between Nienhuis Park and the Broken Arrow Golf and Athletic Club. Mike Lester asked if future buyers of town homes will be informed of the lighted playing fields and Mr. Ledford said they would. Johnnie Parks asked if the apartments will be facing the lighted playing fields. Mr. Ledford said there will be a street between the park and the units. He said the units will be single owner units and will face toward the golf course. Johnnie Parks asked if the units will be tied in with the Broken Arrow Golf and Athletic Club and Mr. Ledford said they will not. There were no protestants.

**Motion** by Mike Lester to approve BACP 49 as recommended by Staff. The motion was seconded by Johnnie Parks.

Yes: Jones, Parks, Lester, Caldwell, Goranson

No: None

**Motion approved.**

Bob Goranson said this item will be considered by the City Council in their meeting to be held October 20, 2003, at 7:00 p.m.

8. The Commission considered BAZ 1613, 0.20 acres, R-3 to C-1, 115 East Knoxville Street, Lot 6, Block 17, Fears Addition, Tom N. Lott for Broken Arrow Youth Football, Inc., (Applicant/Owner). Brent Murphy said the applicant wishes to build a large storage building on the south end of his property; there is a single-family residence on the north end that will continue to be leased as a single-family residence. He said the property is designated Level 5 in the Comprehensive Plan which allows C-1 zoning and the property has been platted. He said Staff recommends approval.

Bob Goranson asked if this item is approved, will the City recommend a lot split and Brent Murphy said it could be left as is. Discussion followed.

Tom Lott, 508 West Urbana, Broken Arrow, the applicant/owner, said he purchased the house directly behind him in July 2003 for the purpose of revenue from the house and storage is needed for the Broken Arrow Youth Football equipment. Discussion followed.

Linda Young, 205 East Knoxville, said the problem is not with the storage building, it is that this is an encroachment on a residential neighborhood and talked about what might happen in the future if commercial zoning is allowed in the area. Discussion followed and Brent Murphy pointed out that this request is in conformance with the Comprehensive Plan. Mike Lester said he didn't think it appropriate for the City to encroach into a residential area just because they had arbitrarily designated an area Level 5, that they may have the capacity to do it, but it was not right. Several alternatives were discussed. Ricky Jones suggested a PUD, but it was pointed out that a PUD requires two and one-half acres and this property is 50' x 117' in size.

George Purifoy, 117 East Knoxville, said he is opposed to the project because of what could happen in the future and the property is next door to his. He talked about problems with the alley behind the property and the initiation of construction of the Broken Arrow Youth Football store at night without a building permit.

Paul Keeling, 924 South Main Street, spoke in opposition to this project, saying he owns the property from Main Street to Ash and from Knoxville to the alley. He said the Broken Arrow Youth Football store is built too close to the curb on Knoxville and on Main Street and drivers cannot see what is coming at that corner. He said he doesn't understand why cars are allowed to be parked at the side of the building and the alley is very difficult to use.

Jim Skinner, 9911 South 225<sup>th</sup> East Avenue, said he has owned the house at 132 East Knoxville for six years and owns the house at 108 East Knoxville and asked why they don't use mini-storage. He said they would like to avoid commercial uses in that area because it will affect the value of his property negatively.

Gloria Brunhoff, 925 South First Street, said they had just built a new home and would not have done it if they had known this could be made commercial. She said this area should remain residential.

Bob Goranson said the Comprehensive Plan does provide for Level 5 in this area and talked about the pros and cons of this request.

April Parnell left the meeting at 6:05 p.m.

8. continued

George Purifoy talked about the parking problems in the alley, asked whether it is an alley and who should be able to use it. The Commission discussed the appropriate course of action and reached consensus that they had an obligation to maintain the character of the neighborhood. Ricky Jones said the PUD process is being reviewed and the minimum tract size may be removed, providing an opportunity for Mr. Lott to apply for a PUD.

**Motion** by Mike Lester to deny BAZ 1613. The motion was seconded by Renate Caldwell.

Yes: Jones, Parks, Lester, Caldwell, Goranson

No: None

**Motion approved.**

Bob Goranson informed Mr. Lott that he can appeal the decision of the Planning Commission to the City Council by filing in writing within 15 days of this meeting.

- 9, The Commission considered BAZ 1614, 1.58 acres, C-5 to C-4, 600 West Oakland Place, part of Lot 1, Block 1, View Point, Jerry Ferguson for Ferguson Advantage Imports, (Applicant/Owner). Brent Murphy presented the background, saying this property was used as a skating rink until recently and the new owner intends to install an automotive service center. The Comprehensive Plan designates the property as Level 6 and there are automotive uses surrounding it. Staff recommends approval of BAZ 1614 and that platting be waived.

The applicant was present and had nothing to add. There were no protestants.

**Motion** by Johnnie Parks to recommend approval of BAZ 1614 as recommended by Staff. The motion was seconded by Renate Caldwell.

Yes: Jones, Parks, Lester, Caldwell, Goranson

No: None

**Motion approved**

Bob Goranson said this item will be considered by the City Council in their meeting to be held October 20, 2003, at 7:00 p.m.

10. The Commission considered BAZ 1615, 0.55 acres, R-1 to C-3, north of the northeast corner of Kenosha Street and Aspen Avenue, R. L. Reynolds, (Applicant). Brent Murphy presented the background, saying the property is designated as Level 6 in the Comprehensive Plan and Staff recommends approval subject to the property being platted.

Lou Reynolds, 2727 East 21<sup>st</sup> Street, Tulsa, said he is in agreement with the conditions recommended by Staff. There were no protestants.

**Motion** by Mike Lester to recommend approval of BAZ 1615 as recommended by Staff.

Yes: Jones, Parks, Lester, Caldwell, Goranson

No: None

**Motion approved**

Bob Goranson said this item will be considered by the City Council in their meeting to be held October 20, 2003, at 7:00 p.m.

At 6:18 p.m., **motion** by Renate Caldwell to recess. The motion was seconded by Mike Lester.

Yes: Jones, Parks, Lester, Caldwell, Goranson

No: None

**Motion approved**

On **motion** by Johnnie Parks, the meeting reconvened at 6:30 p.m.. The motion was seconded by Mike Lester.

Yes: Jones, Parks, Lester, Caldwell, Goranson

No: None

**Motion approved**

## 11. **DISCUSSION ITEMS**

11A. Amendment to Article IX of the Broken Arrow Zoning Ordinance, Sign Regulations.

Bob Goranson asked who will present the proposed amended ordinance to the Commission. Ralph Siglar, 10915 South Juniper Court, Jenks, a member of the sign committee, said he would be willing to represent the committee

Bob Goranson reviewed briefly his comments and questions regarding various amendments.

Mike Lester talked about the cost of monitoring and enforcing the ordinance.

Johnnie Parks asked what businesses are staying away from Broken Arrow because of the present sign regulations. Discussion followed.

Bob Goranson opened the floor to the public for comment.

Sue Whitaker, 3809 West Vandalia, a member of the sign committee, said she was the only person on the committee that was not connected to building and development. She commented that the committee had disregarded the Comprehensive Plan. She said she had obtained sign ordinances from other communities, for review by the committee but felt as though they were not considered. She recommended monument signs, which would be readable and in line with the Comprehensive Plan. She indicated she thought the meetings were closed to the public and other members of the committee present said they didn't think so. She handed out copies to the Commission and Staff of a list of comparisons between the existing and proposed ordinances and her recommendations.

Tony Petrik, 717 South Park Blvd., talked about portable signs and said he would like to see a comparison between the existing and proposed ordinances.

Sue Whitaker was asked if it would be all right to distribute the information she presented and she said it was if her comments were removed.

Ron Whitaker, 3809 West Vandalia, reviewed various aspects of the proposed ordinance, saying it will cause delays, it is not business friendly, it will be costly to enforce, it will increase the cost of signs, and it allows signs in utility easements. He said it has no definitions, it is confusing, contains inconsistencies, it is difficult to read, difficult to enforce. He suggested it be returned to the committee, which should include representatives from entities such as the Chamber of Commerce and nine citizens. He also suggested an outside consultant be hired as was done for the Comprehensive Plan rather than have a piece-meal process. He said a plan and a strategy was needed, and it would be necessary to organize and plan and have a well thought out policy.

11A. continued

Bob Goranson said he didn't form the committee.

Allen Stanton said Staff is attempting to define and organize and expand certain areas of the ordinance to enable enforcement and explained Staffs' efforts to provide an ordinance that can be defended.

Mike Lester left the meeting at 7:30 p.m.

Dan North, 4217 Aspen Place, gave examples of poor signs and said this is an opportunity to shape the ordinance properly. He spoke in favor of monument signs.

Ralph Sigler said he wanted to help small businesses through this ordinance and spoke of the importance of signs to small businesses. He said it was not his intent to put tall signs everywhere in Broken Arrow. He said he did supply a large portion of the language that has been brought forth and explained how that happened.

Renate Caldwell asked about the height of signs in Tulsa and Mr. Sigler said the normal plan is 25 feet and they can have up to 40 feet, to which he objected. Discussion followed.

Sue Whitaker requested that the Commission look at the sign ordinances from other cities on which Broken Arrow citizens are trying to model their community, as they are readable, they contain plans of overlay districts where different signs are allowed, to see what the possibilities are in keeping Broken Arrow progressive.

Staff clarified that the public hearing on the proposed sign ordinance has been set for October 9, 2003, and asked if the Commission wanted to see ordinances of other cities or minutes of the sign committee. The Commission members indicated they did not.

11B. Amendment to Article V (chart), Article VI, Section 4 (R-2), Section 5 (R-3), of the Broken Arrow Zoning Ordinance, pertaining to Side Yard Requirements.

11C. Amendment to Article VI, Section 6 (R-4), Section 7 (R-5), pertaining to side yards for single-family detached residences.

The Commission considered the two related items regarding side yard requirements together.

Brent Murphy said at their last meeting the City Council discussed side yard requirements and referred the proposed five-foot and five-foot side yard setbacks in the R-2 and R-3 zoning districts to the Planning Commission for discussion and public hearing. He explained that in the R-5 zoning district, ten-foot and ten-foot side yard setbacks are required for single-family residences and that is being presented for discussion.

Bob Goranson asked if any member of the public wished to speak on this subject. No one came forward.

11B & 11C. continued

Bob Goranson said five-foot and five-foot side yard setbacks have been discussed by the Planning Commission over the years. He talked about the various building regulations listed in the Citizens' Handbook and the vision or mission of Broken Arrow, which is to enhance the quality of life for all residents of the community. He asked the question of whether the City is contradicting that vision in moving to five-foot and five-foot side yard setbacks. He said the handbook discusses issues such as about safety and the effect on the existing structures and whether there is a great demand for five-foot side yards.

Bob Goranson said the questions are: what is the driving force, who gains by it, is it a win-win situation and said only the developer and builder gain by it; the City, the citizen, the community do not. He said five-foot and five-foot side yards burden everybody in the block. He talked about the difficulty in moving and placing heat and air conditioning units in the side and back yards and accessing utilities in the back yard. He said he sees no reason to go to five-foot side yards.

Johnnie Parks outlined instances in PUDs where he has voted for five-foot side yards and said that the city needs to continue to deal with the issue of five-foot side yards on a one-on-one basis through the PUD process. He said he sees no motivation other than to build more houses in Broken Arrow. Discussion followed.

Ricky Jones said he supports five-foot and five-foot side yards. He said he thinks the builder gains and the consumer gains because they get what they want and it gives more flexibility. Discussion followed.

Sue Whitaker asked that the Commission retain the uniqueness of Broken Arrow, so it does not become like other communities, which is attracting people to this community.

Bob Miller 2601 West Commercial, said at the bond issue meeting on Saturday, a half day will be spent talking about the quality of life in Broken Arrow and that this issue is one part of it. He spoke of the difficulties with only five-foot side yards and said developers will have five and five if given the opportunity to have more lots to sell, that he would do the same if he were a developer.

Pat Connors, 3312 West Broadway Court, said she wants the community to be unique, that she came to Broken Arrow because she could buy a bigger lot and encouraged the Commission to look at all the alternatives.

Alan Hall, 1313 West Tacoma, spoke in favor of five and five side yards, saying each person has their own perspective of what is unique and what is quality of life, that each person can make their choice about what they would like.

Johnnie Parks pointed out that the gentleman that spoke (Bob Miller) said he would build five and five if he was a developer, and said that is why the Planning Commission and the City Council are not made up only of developers, but are made up of people from various walks of life. Discussion followed regarding the merits and problems of five-foot side yards and the use of PUDs. Ricky Jones said a group of people are working on amending the PUD process. Allen Stanton explained who is reviewing the PUD process.

12. **REMARKS, INQUIRIES AND COMMENTS BY PLANNING COMMISSION AND STAFF**  
**NO ACTION**

None.



13. **Motion** by Renate Caldwell at 8:40 p.m. to adjourn. The motion was seconded by Ricky Jones.  
Yes: Jones, Parks, Caldwell, Goranson  
No: None  
**Motion approved**